

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOEL MARCEL CARTER,

Plaintiff,

Case No. 1:21-cv-331

v.

Hon. Hala Y. Jarbou

HEIDI WASHINGTON, et al.,

Defendants.

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**ORDER**

In accordance with the opinion entered this date:

**IT IS ORDERED** that the Report and Recommendation (“R&R,” ECF No. 53) is **APPROVED** and **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that Plaintiff Joel Marcel Carter’s motion for summary judgment (ECF No. 40) is **DENIED**.

**IT IS FURTHER ORDERED** that Defendants Heidi Washington, Carmen McIntyre, John Davids, Lynn Sanborn and Chad Guilford’s motion for summary judgment (ECF No. 35) is **GRANTED IN PART AND DENIED IN PART**. The motion is granted with respect to the Eighth Amendment claims against Defendants Washington, McIntyre, Davids, and Sanborn and **DENIED** with respect to the Eighth Amendment claim against Guilford. Defendants’ motion for summary judgment is also **DENIED** as to Carter’s Americans with Disabilities Act and Rehabilitation Act claims.

**IT IS FURTHER ORDERED** that Carter’s Eighth Amendment claims against Defendants Washington, McIntyre, Davids and Sanborn under Count II of the complaint (Compl. ¶ 49-54, ECF No. 1) are **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that Carter's motion to supplement his objections to the R&R (ECF No. 58) is **DENIED**.

Dated: September 13, 2023

/s/ Hala Y. Jarbou

HALA Y. JARBOU

CHIEF UNITED STATES DISTRICT JUDGE